



# AGENDA

## ASTORIA CITY COUNCIL

TUESDAY, JANUARY 16, 2018

7:00 PM

2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street · Astoria OR 97103

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATIONS

a) Recology Presentation

4. REPORTS OF COUNCILORS

5. CHANGES TO AGENDA

6. CONSENT

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

- a) City Council Minutes for December 18, 2017
- b) Parks and Recreation Advisory Board Minutes
- c) Fire Department Update
- d) Community Development Update
- e) Department of State Lands – Trestles and Bridges Easement (Public Works)
- f) Certified Local Government Grant – Grant Authorization

7. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- a) Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2017 Oregon Legislature (2<sup>nd</sup> Reading) (City Attorney/City Manager)

8. NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

THE MEETINGS ARE ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE AT 503-325-5824.



## CITY OF ASTORIA

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JANUARY 11, 2017

### MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF JANUARY 16, 2018

### **PRESENTATION**

**Item 3(a): Recology Presentation**

Carl Peters is the new General Manager for Northern Oregon and Recology Oregon Compost. He will present current participation in the new recycling programs.

### **CONSENT CALENDAR**

**Item 6(a): CC Minutes December 18, 2017**

The minutes of the City Council Meeting of December 18, 2017 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 6(b): Parks and Recreation Advisory Board Minutes for October 25, 2017**

The minutes for the Parks and Recreation Advisory Board are enclosed for review. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

**Item 6(c): Fire Department Status Report**

**Item 6(d): Community Development Department Status Update**

The Status Reports for the listed departments above are attached. The reports are provided for informational purposes only.

**Item 6(e): Department of State Lands – Trestles and Bridges Easement (Public Works)**

The Oregon Department of State Lands (DSL) and City staff have been working together for a number of years to develop an easement document for the existing trestles and bridges that extend into the waters of the State within the Astoria City limits.

The typical procedure for obtaining a DSL easement consists of applying for individual easements for each structure. In order to avoid multiple application fees, DSL agreed to allow the City to apply for one overall application which would include all of the subject structures. This resulted in only one application fee of \$750. An additional \$100 fee is required for the entire 30 year duration of the easement.

The proposed easement combines all individual trestles and bridges into one document. The easement document will formalize the City's right to construct, maintain, operate and replace existing trestles and bridges located within the waters of the State (owned and managed by DSL).

It is recommended that City Council authorize the Department of State Lands easement for the existing City of Astoria trestles and bridges.

**Item 6(f): Certified Local Government Grant – Grant Authorization**

In past years, the City of Astoria has submitted grant applications to the Certified Local Government (CLG) program of the State Historic Preservation Office (SHPO). Earlier funded projects include Geographic Information System downtown building inventory, historic property inventories, facade improvement grant programs, and architectural assistance for building and home owners. This year, the City is eligible to submit another CLG grant application. The deadline for submission of the grant request is February 23, 2018.

For the 2018 grant cycle, staff proposes using the CLG funds to provide grants to residential and commercial property owners who would to restore their historic properties. Individual grants would be processed by staff and reviewed by the Historic Landmarks Commission, if necessary.

This follows process utilized by the City in earlier approved façade improvement grant programs. It is suggested that grants be limited to a maximum of \$4,000 and the grant would be matched by the property owner. The grant would be a reimbursement only, and work done before the grant application would not be eligible. A total of \$11,000 is proposed to be used for the facade grant program.

In addition, staff proposes that the CLG grant application include a request for \$1,000 in architectural design assistance funds for historic buildings. The architectural assistance funds would be used to hire an architect or historic building designer to assist property owners in rehabilitating the exteriors of their buildings.

The total requested CLG grant is \$12,000; a 1:1 match is required from the City. The match would be met by current staffing and existing budget items on the above-mentioned projects, Historic Landmarks Commission staff reports, and other general planning activities which are preservation related. Volunteer hours associated with the CLG funded project as well as Historic Landmarks Commissioner time can also be applied to meet the match as in-kind support. The grant and matching amounts would be included in the 2018-2019 Community Development Department budget.

Staff recommends that the Council authorize submittal of the grant request to the Certified Local Government program of the State Historic Preservation Office in the amount of \$12,000.

## REGULAR CALENDAR

**Item 7(a): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2017 Oregon Legislature (1st reading) (City Attorney/City Manager)**

The 2017 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2018. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption", which is the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council adopt the proposed ordinance.

A special meeting of the Astoria Common Council was held at the above place at the hour of 3:00 pm.

Councilors Present: Jones, Price, Brownson, and Mayor LaMear. Councilor Nemlowill arrived at 3:05 pm.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Cosby, Parks Maintenance Supervisor Dart-McLean, Finance Director Brooks, Fire Chief Ames, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

City Council recessed into Executive Session at this time.

## EXECUTIVE SESSION

### ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

The City Council met in executive session to discuss a performance evaluation at 3:00 pm.

The regular session reconvened at 5:00 pm.

Mayor LaMear noted City Manager Estes received very good reviews as part of his performance evaluation.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Jones, to approve a 2.5 percent cost of living wage increase for City Manager Estes, retroactive to the last increase or the anniversary date of his hiring. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear continued the meeting to 7:00 pm.

## CITY BOARDS AND COMMISSIONS RECEPTION

Immediately following the reception, the City Council meeting reconvened at 7:00 pm.

Mayor LaMear noted that the reception held just prior to the meeting was in honor of Astoria's 140 volunteers who work on the City's boards and commissions.

## PRESENTATIONS

### Item 3(a): OpenGov

Chris Jung from OpenGov will provide an update on this program. OpenGov is a web-based platform that can provide City financial information for internal and external users. The platform provides an intuitive, user-friendly view of financial information in varying degrees of summary and detail. OpenGov enables users to see financial data in both a graphical/visual format, review/analyze trends over time, and make side-by-side comparisons.

Director Brooks explained that the OpenGov project would help make the City's data more transparent and available to the public. The data would be published live on the Finance tab of the City's website in January.

Chris Jung (via telephone), OpenGov, gave a PowerPoint presentation on OpenGov's services and software. He explained how all of the City's data would be organized in a way that benefits the City and citizens. The data

would include financial records from 2015. He gave an interactive tour of Astoria's OpenGov portal, showing what data was available and options for displaying, sharing, and printing the data.

Councilor Price said she advocated for OpenGov when she ran for Council three years ago, adding the data will be a benefit.

## REPORTS OF COUNCILORS

**Item 4(a):** Councilor Nemlowill thanked all of the volunteers who serve on boards and commissions. She was on the Planning Commission for nine years and understood that it could be a thankless job at times. However, the job is very important to democracy. She thanked Mayor LaMear and the Councilors for their service. Councilors are only paid \$60 a month and the Mayor is paid \$100 a month, so serving on City Council is really a volunteer job as well.

**Item 4(b):** Councilor Brownson said he appreciated everyone who attended because he loved a large turnout. He wished everyone a happy holiday.

**Item 4(c):** Councilor Price noted the costumes were beautiful. She thanked everyone for attending and wished everyone a happy holiday.

**Item 4(d):** Councilor Jones thanked the volunteers who serve on boards and commissions. He wished everyone a wonderful holiday.

**Item 4(e):** Mayor LaMear reported that the Executive Session, held from 3:00 pm to 5:00 pm that day, was to review City Manager Estes' performance evaluation. He received wonderful reviews and Council approved a 2.5 percent cost of living increase, retroactive to the anniversary of his date of hire, which was in September. She spoke at a graduation ceremony for Lives in Transition at Clatsop Community College. Students in the program had dropped out of school and some are first in their families to go to college. The Fire Department held a three-night Christmas food drive. She rode in the fire engine for two nights. City Council held a work session on December 13<sup>th</sup> on homestay lodgings, which is a big issue in many cities.

## CHANGES TO AGENDA

City Manager Estes suggested Item 7(b) be discussed prior to Item 7(a). The agenda was approved with changes.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Work Session Minutes of 11/8/17
- 6(b) City Council Meeting Minutes of 11/20/17
- 6(c) Salary Resolution Updates (Finance)

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Nemlowill, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

City Council proceeded to Item 7(b) at this time.

## REGULAR AGENDA ITEMS

### **Item 7(a): Public Hearing on Ordinance Modifying City Code Chapter 8 Prohibiting Resale of Firearms by Pawnbrokers and Secondhand Dealers**

At the November City Council Work Session, there was dialogue amongst Councilors about whether pawnshops should be a prohibited use within Astoria city limits. There was also discussion regarding prohibiting the resale of second hand firearms. It was requested that Interim Police Chief Spalding address the

Council at a subsequent meeting regarding information and experiences working with pawnshops. An agenda item is included on December 18<sup>th</sup> to discuss this matter. Subsequently, a request was made for an ordinance prohibiting the sale of firearms by pawnshops or second hand dealers to be prepared for possible consideration at the December 18<sup>th</sup> meeting. City Attorney Henningsgaard prepared the attached ordinance for Council review and deliberation.

It is recommended that Council hold a public hearing and consider holding a first reading of the ordinance amending City Code Chapter 8.

This item was addressed immediately following Item 7(b).

Mayor LaMear opened the public hearing at 7:47 pm and called for testimony on prohibiting the resale of firearms by pawnbrokers and secondhand dealers.

Nell Christensen, 926 Sunset Ct., Clatskanie, said that before he became a firearms dealer, he had no idea how many regulations were involved. He owns a business in Astoria and serves on City Council in Clatskanie. He hoped to be a resource for the City as they move forward on this issue. He understood how difficult it was to form legislation and ordinances that encompass all concerns. Most people selling used firearms are doing so to liquidate estates. Firearms cannot be disposed of without licensed firearms dealers. State law requires shops to fax a description of all firearms that come into the shop along with information about the individual that brought the firearm in. When firearms are found to have been reported stolen upon being entered into the database, Oregon State Police confiscates the firearm and attempts to return it to the owner. If firearms are reported stolen after being entered into the database, the report is identified during the background check processed when the shop attempts to sell the firearm. After confiscating the firearm, the State Police will interview the individual who sold the firearm to the shop and decide if prosecution is necessary. The regulations are overwhelming and his shop spends massive amounts of time ensuring all the requirements are met. He was concerned about the City implementing more reporting requirements because the existing requirements are already counterproductive.

John Decker, 91715 Akerstedt Rd, Astoria, said he worked at Gun and Boot and Gear and was a retired Astoria police officer. He had a vested interest in the city, which is his home. He must do many different things when someone comes into the store wanting to sell, trade, or consign. A form is filled out and he must check the customer's photo identification, which must be current and valid. The identification could be a driver's license, military identification, or travel orders. The identification information goes on a form that is sent to the Astoria Police Department. When a person puts property on consignment, all of the information goes on a form that explains how they will be reimbursed, if and when the property is sold, and how they can get their property back. It also states that if a firearm is on the Oregon State Police Stolen Database, it will be confiscated. That has happened, but he could not say how the situation turned out because the store is not notified about what happened. When a person wants to purchase a used or new firearm, they must fill out Firearms Transaction Form 4473. He must physically see their valid government issued photograph identification. The customer must supply their thumbprints and swear that their information is true. If they are denied, the store usually has a State Trooper show up. When he was working for Astoria, the Astoria Police would be dispatched to check the person. The rules are cut and dry. He and the others who work the gun counter are pretty good at having gut feelings about people who probably should not have a firearm.

Bernie Biork, 36293 Bartoldus Loop, Astoria, said he was a third generation Astorian. His grandfather owned a business in Astoria from 1922 to 1960. His father also had businesses in downtown Astoria. He has a hotel and a second hand store on Marine Drive. He sees a slippery slope starting. He questioned where this discussion would go next and asked what the problem was. If his second hand store leaves, he would lose money. Everyone is going to Warrenton. As a commercial fisherman, he left Astoria in the 1990s and moved to Warrenton. City Council needs to slow down. Rules and regulations got the current president elected. There are way too many rules and regulations. The City is putting Astoria's second hand and antique stores out of business.

Mel Christensen, 7971 Olson Rd., Clatskanie, said his father started a store in Clatskanie in 1931, so his family has been selling clothes and shoes along the Columbia River for 86 years. Family businesses are disappearing. He would like to stay in Astoria and did not want to go to Warrenton. He sells on the internet, sending about a dozen packages a day. His store is the largest dealer in the United States of a couple different wines. Guns are a part of his business. Other businesses like his, Englund Marine, and Sea Lumber are all third generation

family-owned businesses. Only five to eight percent of family-owned businesses make it to the third generation. Less than one percent makes it to the fourth generation. Astoria has treasures that need to be nurtured. His family has been in Astoria for 25 years. Powell's started in 1947, selling work clothes in Astoria for 71 years now. He has had several dealers from around the northwest model their stores after what he has done. His customers come from Bandon, Seattle, British Columbia, and California to purchase items from his store that they cannot get elsewhere. When people come from California, they stay a night or two in a hotel and eat at restaurants. This helps the economy.

Mayor LaMear closed the public hearing at 7:59 pm and called for Council discussion and deliberation.

Councilor Price confirmed that Guns, Boots, and Gear would be considered a secondhand dealer if they buy and resell used firearms and that the store was not a pawn shop. She asked for an explanation of the difference between a secondhand dealer and a pawn shop.

Mr. Decker stated he was not familiar with pawn shops or second hand stores. His store does not offer loans on personal property. The store buys used firearms and resells them. They also accept used firearms on trade in exchange for a discount on a new firearm. When a customer does not know what a firearm is worth, the store will do research to find out what it would sell for in this area. If the customer wants the store to sell the firearm, they must relinquish ownership to the store until it sells.

Mr. Christensen added that pawn brokers must have a different firearms license than his store must have. A firearm cannot stay overnight in his store without logging possession of it in their books. The log also states who owns the firearm. The only way that a firearm can leave the store's possession is through a background check or transfer to another firearms dealer. All of the owner's information is faxed to the police department and the store has legal possession even though the owner retains ownership. When the store sells the firearm for the owner, a background check must be done before the buyer can take possession and ownership. For consignments, the store's firearms license allows them to facilitate the transactions.

Councilor Nemlowill confirmed that the gun business was not part of M and N Workwear.

Mr. Christensen explained that his store in Clatskanie subleased a small area in Suomi Hall. The gun business is separate and wholly owned by him. He is part owner of M and N. Work clothing is not a growing industry and he hoped to buy out his father for the rest of the business. Work stores are turning into farm stores or sporting goods stores. He chose to go with sporting goods, which includes firearms, because he believed it would allow their business to continue.

Councilor Nemlowill asked if second hand gun sales were an integral part of the gun business. Mr. Christensen said the money is made on firearm accessories. However, used guns do have a higher profit margin than new guns and big box stores do not sell used guns.

Councilor Nemlowill asked if Mr. Christensen had problems with illegal activity, gun violence, or police calls. She also wanted to know if he understood what the problem was and why City Council was discussing firearms.

Mr. Christensen stated that Astoria has always had firearms and this is a hunting community. As a Councilor, he understood concerns about new businesses coming in. But once people see and understand how the firearms industry is regulated, they understand that there are no stolen firearms being sold at stores. Since 2014, his store has only received two stolen firearms that were stolen in the 1960s. His store works together with the Police Department to help track items that have been reported stolen.

Mr. Decker added that every firearm that comes into the store for sale, resale, or maintenance has its serial number run through the database to make sure it is not stolen.

Mel Christensen said if a consigned gun does not sell and the owner wants it back, they must go through a background check again.

Councilor Brownson appreciated this discussion, which resulted from a conversation about the new pawn shop. He was surprised to see the request for an ordinance on firearms because that did not seem to be the nature of the discussion on the pawn shop. He appreciated Chief Spalding's presentation because City Council wanted to



know more. He was concerned about imposing upon the secondhand dealers in Astoria. Established firearms businesses offer a service; they check on firearms as they move from owner to owner. As long as firearms laws are what they are, these checks are good. This ordinance is overstepping and premature. However, he wanted to continue the discussion because he believed it would be a good idea to have an ordinance in line with other communities that regulate pawn shops and pawnbrokers.

Mayor LaMear asked if the software would be more onerous for shop owners. Chief Spalding explained that pawnbrokers already use the system. However, requiring secondhand dealers to use the system would mean additional work on their part. Mayor LaMear asked if the electronic system could take the place of paperwork. Chief Spalding said second dealers without a system are unknowingly taking in stolen property. If a system were in place, the Police Department would know when stolen property ends up at a particular business.

Councilor Brownson confirmed that the Police Department is alerted to all firearms transactions. Chief Spalding added that the alerts would be more immediate and easier to track if a computerized system were used. Pawnbrokers are already required to keep a log, so Staff's proposal would not add any additional requirements. Councilor Jones stated he had not heard anything that would put him in favor of the proposed ordinance. Councilor Jones stated he had not heard anything that would put him in favor of the proposed ordinance.

Councilor Price said this ordinance came about because of a conversation about pawn shops. At that time, at least three Council members were concerned about having a pawn shop in the middle of the downtown historic district. Downtown business owners are concerned about this as well. Councilors concerns were about predatory loans and that vulnerable people would be selling goods, including firearms. She did not want to say anything bad about the owner of the new business, but the owner was not Mr. Decker, a former police officer and gunsmith with a very reputable business that has been in Astoria for a long time. The Council had talked a little bit about banning pawn shops and there was no interest in pursuing a ban. She was glad to see there was interest in updating the Municipal Code. The Council talked a lot about guns. She was very concerned about guns in America. There are a lot of guns in America. In her opinion, it would be good if Astoria could use laws to keep at least a few guns outside of the city's core. She was also concerned about secondhand dealers. She did not want to prohibit the way Mr. Decker conducts business because he was not offering predatory loans that people cannot pay back. Therefore, she would be in favor of the ordinance if it were limited to pawnbrokers and did not include secondhand dealers.

Mayor LaMear agreed with Councilor Price and found the discussion at this meeting very interesting because she is not a gun owner. It was interesting to learn about the regulations already being used to keep the community safe. She feels helpless when she reads stories about all the terrible tragedies that happen across the country. She would love to figure out a way for Astoria to contribute to safety in the community. She did not know if this ordinance would be an answer, but believed the ordinance was a good way to bring City codes up to standard.

**City Council Action:** Motion made by Councilor Price to adopt the ordinance amending City Code Chapter 8 to prohibit the resale of firearms by pawnbrokers, amended to state the following:

"No used firearms may be purchased, pawned, pledged, received and pledged redeemed, or sold by any pawnbroker."

Motion died for lack of a second.

City Council proceeded to Item 7(c) at this time.

#### **Item 7(b): Pawn Shop (Pawnbroker) and Secondhand Dealer Discussion (Police)**

At the November City Council Work Session, there was Council discussion on whether pawn shops should be a prohibited use in the City. Chief of Police Spalding was asked to provide comments regarding pawnshops and has prepared the attached memorandum. The Chief will provide additional information at the meeting. It should be noted that Chief Spalding has provided some recommendations to update the City Code regarding pawn shops and secondhand dealers. It is recommended that Council consider providing direction on this matter. Should the Council wish to provide direction that staff initiates the process to amend the Development Code to prohibit pawn shops, then Community Development staff would begin that work. The time frame to do

so would be approximately four to six months as coordination with Oregon Department of Land Conservation and Development and Planning Commission public hearing/consideration is required prior to an ordinance being brought to City Council.

This item was addressed immediately following Item 6: Consent Calendar.

Chief Spalding gave a PowerPoint presentation on pawn shops and other topics he believed were relevant to the conversation. His presentation included the legal definitions, licensing requirements and laws, a map of existing pawn shops in Oregon, a list of secondhand dealers in Astoria, a list of federal firearms licenses in Clatsop County, details of the federal Firearm Safety Act of 2015, transaction requirements, Astoria's existing ordinances regulating pawnbrokers, and his recommendations. During the presentation, Chief Spalding made the following key comments:

- Pawnbrokers are secondhand dealers, but not all secondhand dealers are pawnbrokers.
  - Secondhand dealers are businesses that buy and sell used or new property that are frequently the subject of regulated property. They are not licensed by the State, but must follow federal firearms license laws if they buy and sell firearms.
  - Pawnbrokers provide loans on personal property with an interest rate in excess of 10 percent.
- In 2016, there were 302,000 firearms transaction in Oregon.
- Three cities responded to the sound-off request sent through the Oregon Association of Chiefs of Police. The cities of Albany and Medford indicated their problems were with stolen property, not firearms. The cities of Albany and Canby have comprehensive ordinances regulating secondhand dealers. All of the cities indicated that as long as the pawn shops had good management, the shops were run well.
  - The cities also subscribed to the same nation-wide electronic database system that the secondhand dealers subscribed to. Secondhand dealers and pawn shops are required to enter personal information about the customer and the property they purchase into this database. Updates to the database are transferred to law enforcement agencies daily so that stolen property can be identified and located.
- Staff believes the current City ordinances do not effectively regulate pawn shops and secondhand dealers. Other cities' ordinances include a permitting process that allows for the revocation and suspension of a license, more detailed reporting requirements, the tagging and inspection of property, requiring transaction details to be submitted via computer, holding period requirements, outlining prohibited property, and fees charged to customers to offset the City's cost of the database software and subscription.

Chief Spalding answered City Council's questions as follows:

- The City's cost of the database would be about \$17,000 per year for a basic law enforcement license. The pawn shops and pawnbrokers purchase a different license that offers other database options for the businesses. He would find out what the database costs for the pawn shops and pawnbrokers.
- Only regulated property must be entered into the database. The only exceptions are donations to non-profits and consignments. The City could add its own additional exceptions as well. The long list of regulated property includes certain precious metals, audio and video equipment, construction equipment, and tools. He would email the entire list to Councilors.
- He only knew of two recent cases that involved stolen property in Astoria showing up on the database.
- After meeting with the owner and manager of the pawn shop in Astoria, Staff was comfortable about the business and their processes. The owners chose to open a second location in Astoria because many of their customers were driving from Seaside and Astoria to their Longview store.

City Manager Estes read aloud Portland's list of regulated property.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to approve Staff's recommendations and direct Staff to draft an ordinance regulating pawn shops, pawnbrokers, and secondhand dealers. Motion carried 4 to 1. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: Councilor Nemlowill.

City Manager Estes confirmed that a public hearing would be required for these amendments to the City Code and Staff could update Council on the software at that time.

City Council returned to Item 7(a) at this time.

**Item 7(c): Second Reading and Adoption: Ordinance Modifying City Code 6.510 Adding Additional Towing Authority to Vehicle Seizure and Impound Section (Police)**

This ordinance received its first reading at the December 4, 2017 City Council Meeting. On October 27, 2017, the Astoria Police Department received a noise complaint, concerning a car alarm on a car parked for over 24 hours on Commercial St. adjacent to the Commodore Hotel. The alarm would sound and then reset and sound again. The car was licensed out of state and we were unable to locate the owner. We were unable to address the noise complaint, as there was no provision in the City's ordinance to tow the vehicle. Other cities have enacted ordinances to address this nuisance.

The additional language proposed will provide officers with a tool to abate these nuisances. The changes proposed to the ordinance are attached for Council consideration.

It is recommended that Council hold a second reading and adopt the ordinance amending City Code 6.510.

This item was addressed immediately following Item 7(a).

Director Brooks conducted the second reading of the ordinance.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Brownson to adopt the ordinance amending City Code 6.510. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(d): Authorization to Award Contract to Arbor Care Inc. to Remove and Replace Priority 1 Hazard Trees (Parks)**

Through the Parks Master Planning process, citizen outreach strongly indicated that trees in Astoria Parks are of high importance. This valuation was reflected in feedback from park users who desire a high level of care and maintenance dedicated to trees and resulted in recommendation 6.2: *"Survey, inventory, and develop maintenance guidelines for all tree and plant species."* To facilitate this recommendation, in 2016, City Council approved a contract with Arbor Pro Inc. to inventory and evaluates all trees within Parks properties.

The inventory also brought to staff's attention the fact that a small portion of trees that pose an elevated risk to the public or infrastructure and should be removed. The levels of risk associated with each identified tree is classified into Priority 1, 2, and 3, based off the combination of the likelihood of a tree to fall, the likelihood of it hitting something of value (person or property), and the tree's overall condition and position. Using the tree inventory as a guide, staff was able to generate a solicitation for bids to remove all Priority 1 and 2 trees (trees presenting a risk of failure that may cause harm due to the presence of defects, disease, or other factors contributing to their instability). The solicitation requested delineation of the costs to remove Priority 1 and 2 trees separately; so that in the event the cost of carrying out removal for both priority levels was infeasible due to financial concerns, there would be the opportunity to address the highest risk trees for removal at once and formulate a course of action to remove the lower risk trees subsequently. Acting as good stewards of natural resources, staff directed bidders responding to the solicitation to provide the cost of replanting a new tree in the same or adjacent location, at a ratio of 1:1 for each removal. As a long-range planning method, staff requested that identical or similar tree species be replanted, relying on a trained arborists' recommendations for site-specific trees to have the greatest odds of success and be cohesive in each location. This method is employed to ensure that the City of Astoria's parks and green-spaces are being replenished with new trees as our older species age and fail and require removal. Bidders were directed to provide costs for replacement trees large enough in size to be more easily managed and cared for by staff. Bidders were also asked to provide recommendations for best management practices in the first three years after planting to promote successful establishment and strong growth. This stipulation increases the price of replacement trees in the short-term, but will save effort and costs in future staff time by planting more substantial trees that are easier to monitor and protect.

The sole respondent to the solicitation, Arbor Care Tree Services from Astoria, provided a detailed bid of \$29,262 to remove and replace all Priority 1 trees throughout Parks properties. This bid includes site safety and oversight, best management practices for lessening impacts of removal, site specific replanting species

based on local knowledge of ecosystems, and replanting to International Society of Arboriculture standards for best chances of survival.

A list of each tree to be removed and the Park it is located in is provided in the memo, along with the complete Solicitation for Bids for Hazard Tree Removal and Replacement and the bid and supplemental information provided by Arbor Care Inc.

Also included in the memo are details regarding comments from concerned citizen, Ron Zilli and recommendations from City County Insurance Services' Risk Manager, John Zakariassen.

If approved, work will commence this winter and be completed by spring. It is anticipated that a similar scope of work and budget allocation will be requested in the next fiscal year to address Priority 2 and 3 trees. the contract to form.

It is recommended that City Council authorize the City Manager to enter into a contract with Arbor Care Tree Services to remove and replant Priority 1 trees and staff strongly advocates that this work be undertaken as quickly as possible to minimize the potential liability these trees present.

Parks Maintenance Supervisor Dart-McLean gave a PowerPoint presentation on tree management in public spaces, the details of Astoria's most recent tree inventory, the criteria used to determine the priority level of trees, and a review of the Priority 1 trees currently recommended for removal.

Director Cosby stated the same presentation was given to the Parks Advisory Board at their December 6<sup>th</sup> meeting. The Board and others had many questions, concerns, and ideas about tree removal, planting, and what to do with the wood. Generally, everyone agreed the trees need to be removed. One recommendation was to coordinate with the Sheriff's Office to get some of the wood to homes participating in their low income program. Staff is pursuing this idea. Staff was opposed to the recommendation to invite the public to use their own chainsaws and take some of the wood because doing so could set a precedent and involved safety hazards.

Councilor Brownson asked if the tree removal company offered a discount if they were allowed to keep the wood. Director Cosby understood the company preferred to give the wood to the Sheriff's program.

Austin Winekey, 1477 Lexington, Astoria, Arbor Care Tree Services, said the company does not accept wood as payment because they do not do logging. If the City saw value in any of the wood pieces, the City would need to talk with a mill, but Arbor Care would be happy to move the wood to the mill. If the City cannot get a response from the Sheriff's Office, other organizations will get the wood to low income households. The U.S. Forest Service offers cutting permits at \$14 for a cord of wood, so much of that wood likely goes to low income individuals because a cord of wood typically costs between \$100 and \$150. There are creative ways to distribute wood to useful endpoints. He explained that the bid was to remove debris in areas where it was economically and ecologically feasible. In other more natural areas, the wood would be left to rot as a nurse log. The wood being removed from the manicured parks would be taken to a holding site for the Sheriff or Forest Service, or the City's disposal site. Wood chips that cannot be used are donated to the City or private individuals.

Mayor LaMear called for public comments.

Ron Zilli, 1444 16<sup>th</sup> Street, Astoria, said he was speaking as a citizen and park user, but he was also a professional forester with the Oregon Department of Forestry. He has lived in this community for over 20 years and has extensive experience with native tree species. He has observed Astoria's parks in different weather conditions and environments. He appreciated the work that the Parks Department has done and their accommodation to engage with him on this project, which he learned about the day the agenda came out. He was concerned that the City was making determinations without a developed maintenance plan and guidelines, which was recommended in the Parks Master Plan. The stewardship value of replanting trees in the same or adjacent location at the ratio of one to one is a very good value, but it lacks intentionality, understanding where the trees came from, and whether it is wise or necessary to replant them. The assessment of some of the trees is very conservative and he disagreed that these trees presented the same level of hazard that the City believes they do. Some of the trees do not need to be removed. He also believed the costs for this project are very high. In the absence of competition, some of the services being requested are very high, like stump grinding and tree replanting. The price premium of having a certified arborist may not be necessary for tree removal. He

suggested the City consider having a non-arborist refine the list of trees to be removed. He had an issue with the hazard assessment of one specific tree, which he did not believe should be removed. He offered to replant at his own expense the conifer trees in Shively Park, which would save the City about \$1,800.

Austin Winekey, 1477 Lexington, Astoria, Arbor Care Tree Services, said the request for bids was a blind bid. Arbor Care bid conservatively and competitively for the market. After the bidding ended, they learned they were only company that submitted a bid. They will not be replanting small saplings. The cost of replanting reflects that they will be putting in established two-inch diameter trees, which cost a minimum of between \$160 and \$170 each. The cost in the bid also takes into account that skilled individuals would be planting the trees. Tree mortality caused by incorrect planting is a waste of an investment. He is a trained tree risk assessor and has compared the trees to the hazard assessment. As part of his extensive background and experience, he has preserved more trees than he has removed probably at a 10 to 1 ratio. It is in an arborist's best interest to consider the urban canopy a resource. The company only makes money one time from a removal, but trees need to be pruned about every five years. Arborists get into the field because they love trees.

Mayor LaMear called for Council discussion and deliberation.

Councilor Jones thanked Staff for the presentation and for being so responsive to the community. He concurred with Staff's recommendations.

Councilor Price stated she had a problem with the cost of the new trees, but did not blame Arbor Care. Arbor Care did not identify the trees. She had objections to the costs, the priority, and the need for stump grinding. A chestnut tree to be removed at McClure Park already has a stump next to it and is located in area where no one goes. She was also concerned about the large tree at Shively Park because it was beautiful and did not appear to have any problems. She planned to vote against the contract.

Councilor Nemlowill thanked City Manager Estes for presenting the contract to City Council because the contract could have been signed without Council's approval or public input. There has been a lot of focus on Parks and how Capital Improvement Fund expenditures are prioritized to implement the Parks Master Plan. The contract included a lot more tree removal when it appeared on the agenda the first time. She was concerned that the City was not considering a more financially sustainable Parks program, like a Cemetery Master Plan or a combined recreation and aquatic center. However, she was glad the price was reduced from the initial proposal. She was glad to see that preliminary work was being done to combine the Recreation Center with the Aquatic Center. The City needs to keep looking for long-term solutions for the Parks and Recreation Department. This was not the first time Mr. Zilli has come to the Council with important observations. She respected his opinion. She wanted to know why the City would not take Mr. Zilli up on his offer to replant the conifers at Shively Park. Mr. Zilli also recommended the list of trees be refined and Arbor Care has not looked at the trees. She wanted the contract amended to give Arbor Care the option to refrain from cutting down any trees their certified arborists believed should not be cut.

Director Cosby confirmed that Arbor Care evaluated the trees that were recommended for removal by the company that conducted the tree inventory.

Councilor Nemlowill said she supported the proposal, but did not understand why the City would not take Mr. Zilli up on his offer.

Mayor LaMear stated she supported the contract. The photographs show some real dangers in leaving the trees the way they are. Trees are crossing electrical lines and pathways.

Councilor Brownson said he deferred to the expertise of those who assessed the trees because he is not an arborist. He asked for more details about insurance and liability. He understood that once the City became aware of dangerous trees, the City became liable.

Director Cosby explained that she spoke with City County Insurance about reasonable risk management levels. The insurance company confirmed that once the City received the evaluation from certified arborists, the City was on notice and the trees must be removed right away. Failing to remove the trees puts the City in a state of negligence, their insurance premiums could increase, or the underwriters could exempt the City from coverage of any harm or damage caused by the trees.

Councilor Brownson stated that a City employee was working towards an arborist certification, so in the future, much of this work could be done in house.

Councilor Nemlowill asked if there was support to take Mr. Zilli up on his offer to replant trees at Shively Park.

Mr. Zilli noted the City would pay \$316 per tree if Arbor Care did the work.

Councilor Brownson asked Mr. Zilli if he would be willing to replace any of the trees he planted that did not survive the transplant. Arbor Care would plant fairly mature trees to mitigate against sapling loss.

Mr. Zilli explained that there is a lot of shade in the area where the trees are being removed. Arbor Care's intention is to replant trees in the same or nearby locations. This is not practical in most cases and the recommended species will not survive in the location they are to be planted. The contract specifies Douglas fir, which will not live in shade. Additionally, large conifers grown in pots are not suited to forest environments. He would plant two-year old, bare root nursery stock, but they would not meet the caliper requirements of the contract. Arbor Care would not be obligated to do anything other than plant the trees, but they did make recommendations to Staff about the care and maintenance of the trees.

Councilor Brownson asked if all of the trees removed had to be replaced.

Director Cosby explained that Staff requires trees to be replanted nearby the trees that are removed because the trees do not necessarily need to be replaced one for one or in the exact same spot. However, the City does want to maintain the existing tree density.

Councilor Brownson understood that Mr. Zilli intended to plant the trees where they would get enough sun to survive.

Councilor Jones asked if it would be easy to remove the replanting requirements from the bid and scope of work.

City Attorney Henningsgaard stated that if the City changed the scope of work, Arbor Care would have the opportunity to accept or reject the changes.

Mayor LaMear said there are other trees in other areas that need to be replanted, not just the conifers in Shively Park. She believed the City would want Arbor Care to replant in those other areas.

Councilor Price agreed with Councilor Nemlowill's recommendation to allow Mr. Zilli to replant trees at Shively Park. She also suggested that Tree #11 at Shively Park and a couple of the large cedars at Violet LaPlante Park be removed until the Oregon State University Extension Forester has an opportunity to see them. She encouraged the Council to look at the trees and see for themselves why they should remain standing. She also wanted to know how far was nearby. The small dead vine maple at Portal Park is located in a landscaped planting with other trees. No one would notice it was removed, so that tree would not need to be replaced. However, vine maples of the same size are only about \$20 at Brim's.

Councilor Jones stated he was comfortable with removing the replanting work from the contract, but he was not comfortable with City Council directing Mr. Zilli to do the replanting. He knows nothing of the quality of Mr. Zilli's work or what trees he would plant. The Council could invite Mr. Zilli to present a proposal at a future meeting for the Council to approve or reject. Staff should be allowed to manage their own departments, especially with regard to details like this one.

Councilor Nemlowill said she appreciated Mr. Zilli's offer, but understood the implications of changing the contract at this point.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Jones to authorize the City Manager to enter into a contract with Arbor Care Tree Services in the amount of \$29,262, to remove and replant Priority 1 trees. Motion carried 4 to 1. Ayes: Councilors Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: Councilor Price.



**Item 7(e): Scandinavian Heritage Park (Parks)**

Over the past couple years, the City Council and staff have been discussing the construction of the Scandinavian Heritage Monument with the Astoria Scandinavian Heritage Association (ASHA). The Monument is proposed to be located at People Places Park. City Council has provided direction to staff to establish an agreement that meets the needs of the Astoria Scandinavian Heritage Association (ASHA) and the Parks and Recreation Department. There was subsequent Council direction that the agreement should comply with the recommendations of the Parks and Recreation Master Plan and corporate sponsorships should be solicited to support adoption of the park. A history of the ongoing discussions has been included in earlier memoranda on this matter. That information (updated) has been attached. Since the City Council provided this direction, Parks staff has been working with ASHA to develop a proposal to bring back to City Council for consideration.

The latest version of a Memorandum of Agreement (MOA) is attached to the memo and will provide conceptual approval for construction of the Monument within People Places Park and would grant permission to ASHA to proceed with the planning and design. ASHA would be responsible for the costs associated with design and construction as well as City expenses needed for a construction manager. A final design would be submitted to City Council; however, this will have to be coordinated with the land use review process since it will also have to go to the Historic Landmarks Commission for design review consideration. The draft agreement also states that upon completion of Monument construction, the Council will pass a resolution renaming People Places Park to Scandinavian Heritage Park.

The draft agreement states that ASHA will conduct maintenance on the monument as noted as well as items for the Association to address.

As the agreement is proposed, it is expected that the new Monument would increase Parks Department maintenance expenses by approximately \$4500 per year, compounding with inflation. It should be noted that without the services that ASHA are to complete per the draft, maintenance expenses would increase by approximately \$7500 per year, compounding with inflation. The Astoria Scandinavian Heritage Association has requested Council Consideration of this latest proposal. A letter conveying this request is attached to this memorandum. City Attorney Henningsgaard has reviewed and approved the agreement as to form.

It is recommended that City Council consider the Memorandum of Agreement with Astoria Scandinavian Heritage Association for Installation and Maintenance of a Scandinavian Heritage Monument at People Places Park.

Councilor Nemlowill supported the agreement.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Jones, to approve the Memorandum of Agreement with Astoria Scandinavian Heritage Association for Installation and Maintenance of a Scandinavian Heritage Monument at People Places Park. Motion carried 4 to 1. Ayes: Councilors Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: Councilor Price.

Councilor Price explained that she voted against the MOA because the City spent so much time on the Parks Department budget and agreed not to engage in any new parks. This new park will cost an additional \$5,000 a year in maintenance after the generous contribution by the Heritage Association and the Rotary. The City receives complaints weekly about the cemetery and other areas of the city that it cannot maintain. Until the Parks Department is fully funded, she could not vote for this MOA. She wished the Heritage Association luck.

**Item 7(f): Memorandum of Understanding with Clatsop County Master Gardner's Association for Installation and Maintenance of Demonstration Garden at Alderbrook Park (Parks)**

Through the Parks and Recreation Comprehensive Master Planning process, citizen outreach and discussions with the Citizens Advisory Committee strongly indicated that partnerships among local services providers is of high importance and resulted in recommendation 6.5, Partnerships – Evaluate Partnership Agreements for Shared Facility Use and Maintenance. Providing direction to "evaluate existing agreements to ensure a fair balance" and "establish new or more formal agreements where appropriate."

The Master Gardener Program is an Oregon State University Extension Service Program that helps Oregon gardeners learn more about the art and science of growing and caring for plants. The program enables trained volunteers to extend sustainable gardening information to their communities through education outreach programs. The Clatsop County Master Gardener's Association (CCMGA), has outgrown their current space at the Clatsop County Fairgrounds and is looking to expand their services in a location that will be able to serve a greater population and have amenities such as a meeting location, water and electrical utilities, and be best situated to receive year-round sunlight. Through coordination with the Parks and Recreation Department, CCMGA has determined that Alderbrook Park and Hall will meet the needs they have identified and will provide a site that will mutually benefit both organizations.

The attached Memorandum of Agreement outlines the obligations of the City and CCMGA in providing for the maintenance of the park and has been reviewed by the CCMGA and is acceptable to them.

The agreement's duration is through the useful lifespan of the Demonstration Garden and associated infrastructure and the City will have the prerogative to remove it, if any of the conditions of the agreement are not met.

The Parks and Recreation Advisory Board has reviewed and discussed the proposal and recommends the City Council approve the agreement and City Attorney Henningsgaard has reviewed and approved the agreement as to form.

It is recommended that City Council approve the Memorandum of Agreement with Clatsop County Master Gardener's Association for Installation and Maintenance of a Demonstration Garden at Alderbrook Park.

Councilor Brownson asked for clarification about the Master Gardener's maintenance responsibilities. Director Cosby explained that the association would maintain the area highlighted in green on the screen. They would also maintain the exterior perimeter of their fenced-in garden. The contract also requires over \$2,000 in labor in exchange for their use of Alderbrook Hall and restroom facilities. Two service projects each year would satisfy the labor requirements.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Nemlowill, to approve the Memorandum of Agreement with Clatsop County Master Gardener's Association for Installation and Maintenance of a Demonstration Garden at Alderbrook Park. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(g): Memorandum of Understanding with David and Pam Armstrong for Maintenance and Beautification of Old Post Office Park (Parks)**

David and Pam Armstrong, who own the Rose River Inn and Bed and Breakfast, recently approached the Parks Department with a proposal to maintain Old Post Office Park. The park abuts their property to the north and their patrons often inquire about the site's history and comment that it appears to be in disrepair. The Armstrongs are excited to provide their efforts to improve and enhance the park and make it more attractive for use by their neighbors and the many tourists they observe visiting the park throughout the year.

The attached Memorandum of Agreement outlines the obligations of the City and the Armstrongs in providing for the maintenance of the park. This agreement has been reviewed by the Armstrongs and is acceptable to them.

The agreement's duration for five years and will be reviewed annually by both parties to ensure that all conditions are being met.

The Parks and Recreation Advisory Board has reviewed and discussed the proposal and recommends the City Council approve the agreement and City Attorney Henningsgaard has reviewed and approved the agreement as to form.

It is recommended that City Council approve the Memorandum of Agreement with the Armstrongs for the Maintenance and Beautification of Old Post Office Park.



Councilor Nemlowill asked if the City had plans to sell or use the property. Director Cosby said the Parks Department has contracted with former City Planner Rosemary Johnson to evaluate the potential sale of four park properties. Her evaluation of the four properties has revealed that Post Office Park has the highest level of challenges due to its historic designation.

David Armstrong, 1510 Franklin Ave., Astoria, said the park should be named First Post Office Park instead of Old Post Office Park. He displayed a photograph of the park, which was not in good condition.

David Hawkins, 698 15<sup>th</sup> St., Astoria, stated the Armstrongs have done a great job on their place and it is a blessing that they are offering to do this work for the community. Mr. Armstrong was right, the site was not just an old Post Office, it was the first Post Office on this side of the Rocky Mountains. When letters came from the East Coast, they were shipped all the way around to Astoria. The site is very historic and he knew many people who came to Astoria just to visit the Post Office site. Currently, the park does not look as good as it did in the photograph. He works for the Postal Service and takes a lot of pride in the park. When mail carriers from other areas find out he works in Astoria, they are blown away that he lives where the first Post Office this side of the Rockies was located. Carriers come to Astoria just to see the overgrown lot. Astoria is so rich in history and everyone appreciates the Armstrong's offer.

Councilor Brownson wanted to know why the Postal Service was not interested in doing something with the park. Mr. Hawkins suggested the City speak to the postmaster.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to approve the Memorandum of Agreement with the Armstrongs for the Maintenance and Beautification of Old Post Office Park. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(h): Discussion Regarding Maintenance and Beautification of Tide Rock Park Including Temporary Visual Art Displays By Jessica Schleif (Parks)**

In the past year, there has been a groundswell of interest throughout the community by individuals and groups hoping to offer their services to assist the Parks Department in its goal of improving maintenance and care to park sites. Jessica Schleif, Professional Gardener/Landscape Designer, visual-artist, and member of the Parks and Recreation Advisory Board, has secured grant funding through the Andy Warhol Visual Arts Foundation and the Regional Arts and Culture Council's Precipice Fund in the amount of \$3,500 and has procured matching funds of \$1,500 for total of \$5,000. Ms. Schleif wishes to utilize the grant award to adopt, beautify, and add temporary visual art displays to Tide Rock Park for one year.

The City Attorney has stated that it is important to receive feedback from City Council on how the public art installation should be vetted.

Ms. Schleif will make a presentation at the Council meeting regarding the design intent of the art to be placed in the Park. That being said, Council should provide direction as to how the art proposals should specifically be reviewed and how first amendment issues should be addressed.

Once policy direction has been provided by Council, an agreement with Ms. Schleif would be prepared and brought back to Council for consideration. It is recommended that Council discuss and provide staff direction on the proposal.

City Attorney Henningsgaard believed Tide Rock Park needed as much work as any park in Astoria. The original proposal was that Ms. Schleif would take care of the park and would then erect temporary visual art. He knew the Council has had issues with private displays of public art along the Riverwalk. Public art raises several issues. First, art is a form of self-expression and the First Amendment limits the City's ability to monitor the content of such expressions allowed in parks. This invites counter expressions in other places and it is difficult for the City to pick and choose where people are allowed to express themselves publicly with art. Second, the parameters of the art itself are not contained in the agreement. Is this a commercial project to promote Ms. Schleif's art? Is the art Ms. Schleif's own expression? The answers to these questions present legal issues. There would also be issues if someone wanted to compete with or oppose Ms. Schleif's art. Third, the Council

would need to decide if it wanted to create a policy to allow people to express themselves in exchange for services to the City in this manner.

Jessica Schleif, 731 Alameda, Astoria, said she attended a Precipice Fund granting session in July and was excited about the idea of combining cleaning a neglected space with making sculpture out of blackberries. The grant is a collective artist grant. The artist collective was thankful that the Parks Department worked with them on the memorandum of understanding (MOU). She thanked City Council for considering the MOU. She thought she had reached out to the City for permission before she applied for the grant, which was awarded. This urban green space has recently been neglected due to lack of funds, but the tiny plot of land is very historically important. Former Mayor Edith Henningsgaard was a champion of the park and helped secure its historic designation for the tidal rock and the chair walls at the park. In 1996, Fort Astoria used the tidal rock to measure tide lines.

Rebecca Rubens [2:31:28], 87509 Lewis and Clark Rd., Astoria, said the project is a collaboration between several artists, Agnes Field, Ms. Schleif, Brenda Harper, and herself. She is an artist and curator. Ms. Schleif is a wonderful gardener, horticulturists, and environmental installation artist. Ms. Harper is a mixed-media video artist. The Precipice Fund is administered by the Portland Institute for Contemporary Art (PICA), which is part of the Andy Warhol Foundation's re-granting program for the region. They receive significant financial support from Calligram Foundation. Grants are awarded to unincorporated visual art collectives, alternative spaces, and collaborative projects like the one being proposed. The Precipice Fund supports artist driven projects that exist on the edge of new practice and cultivates a culture of grant making that emphasizes community over competition. It is important to remember that artists are the makers of meaning and culture in the community. Tide Rock is a collaborative, site-specific installation using the support of the community to activate the Tide Rock space. They applied for \$3,500 and received it. They have a \$5,000 budget that she would be happy to share with City Council. The project would include clearing of the preexisting platform and rock wall hidden underneath the blackberries while keeping the natural beauty of the space. Invasive plants would be removed and replaced with native plants. They wanted to present a culminating temporary general public friendly art event later in the spring. The event would be a onetime art event for two days that would include visual art, performance, video projection, and sound. Ms. Schleif has a great idea to use the blackberries to form living, growing sculptures. Since Tide Rock is a high water mark for the 1811 Columbia River, they want to project water rising and falling within the park area space with some sound. Another possible display would be video projection of the pioneers and natives canoeing up to tie up to Tide Rock. They are not interested in putting up permanent sculptures or paintings. The only thing they would leave in the park would be the native plants and a cleaner park.

Ms. Schleif added that the proposal was to adopt the park for one year because the grant is for one year.

Mayor LaMear understood the proposal was for a festival that would last one or two days.

Ms. Rubens clarified the event would not be a festival and the proposal was for a presentation of visual art, video projection, and sound during that time. The funders require the transformation of the space to be documented, which means they will take video of some of the artists, workers, and volunteers while cleaning and planting. She confirmed the art would only be on display for a few days in the spring. The platform and rock wall need to be cleared, and part of their budget includes money for security. She hoped this project would develop more interest in the space, inspire more people to adopt the space, and come forward with funds to help maintain the space. The project is a way to highlight and clean the historic space. She has heard many people say they had never heard of Tide Rock.

Ms. Schleif said the cleaning would be documented and nothing would be left in the park. The artists would have continuous conversations about anything they planned to do throughout the year.

Councilor Nemlowill believed Tide Rock was too close to her property, so she would not vote on the proposal at this time.

Ms. Schleif used a map to show the exact location of the rock and shared details about the concrete platform that had become buried. The whole park can be seen from above and the platform could provide space for temporary sculptures or performances.

Councilor Price said she was excited to hear that Astoria received a Precipice Grant from an Andy Warhol organization. She believed that spoke to the quality of art in Astoria and the grant writing ability that the artists have developed. The grant would recover the lost park that most people believe is a dump. Mr. Henningsgaard's mother spent a lot of time getting the park designated and it is a tremendous piece of history. Astoria has previously had many examples of art in parks, like the lanterns in the Chinese garden. This type of project is not new to Astoria. However, she agreed with the City Attorney that in the future, it would be a good idea for City Council to think about public art. She did not believe the City needed to worry about this project because the MOU included a much less invasive plan than the Scandinavian memorial.

City Attorney Henningsgaard confirmed that Staff could develop an MOU that contained this project sufficiently if City Council is comfortable with idea of labor for art.

Councilor Brownson believed the project was a great idea. He also believed a precedent for temporary public art existed all over. He was sure Staff could develop an agreement that kept the City out of trouble.

Ms. Schleif recommended the term "family friendly" be used in the MOU.

Councilor Brownson said he did not see anything controversial about the project, but was concerned that the blackberries would start growing back after the MOU expired.

Ms. Schleif stated that within the year, she would love to find someone to adopt the park.

City Manager Estes asked if the Council wanted Staff or the Parks Board to review the MOU.

Councilor Jones said the MOU should use language from Staff's recommendation that a process be identified on how public installations should be vetted. He thanked City Attorney Henningsgaard for his cautionary notes, which were important. Down the road, a different group could decide their art installation would be rebel flags. Establishing a precedent and a vetting process would let future groups know how these projects have been approved all along.

Councilor Price believed developing a process is a great discussion to have, but not at 9:45 pm.

Ms. Schleif recommended a work session on the topic.

City Attorney Henningsgaard stated he had not seen the application and approval from the Warhol Foundation. However, he believed the granting process had already provided sufficient parameters for this project to move forward without the City creating a formal process. If the general concept of art in parks is okay with City Council, Staff can develop an MOU.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to direct Staff to develop a Memorandum of Understanding with Jessica Schleif for the beautification of and to display art at Tide Rock Park. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill.

#### **Item 7(i): Waterfront Bridges - Private Easements and ROW Dedications (Public Works)**

As part of the Waterfront Bridges Replacement Project, multiple easements are required from private property owners. Temporary construction easements are needed for eleven of the properties adjacent to the bridge construction. These temporary construction easements will only be used during construction and the property will be restored to as good or better condition as it was prior to the work. Permanent right-of-way dedication is necessary for six of the properties for the purpose of placing, installing, and maintaining small portions of the new bridge structures.

At the September 5 Council meeting, three of the eleven temporary construction easements and one of the six dedication deeds were approved. Then at the October 16 Council meeting, one more temporary construction easement and dedication deed was approved. On November 20, Council approved four temporary construction easements and two dedications deeds. The final three temporary construction easements and

two dedication deeds have been signed by the owners. Upon Council approval of these easements and dedication deeds, the property owners will be paid the following:

NO. 10 6 <sup>TH</sup> STREET, LTD temporary construction easement	east side of 6 <sup>th</sup> St.	\$1,320.00
NO. 10 6 <sup>TH</sup> STREET, LTD dedication deed	east side of 6 <sup>th</sup> St.	\$7,680.00
JB HOLDINGS, LLC temporary construction easement	west side of 7 <sup>th</sup> St.	\$1,168.00
JB HOLDINGS, LLC dedication deed	west side of 7 <sup>th</sup> St.	\$475.00
JB HOLDINGS, LLC temporary construction easement	east side of 7 <sup>th</sup> St.	\$457.00
<b>TOTAL</b>		<b>\$11,100.00</b>

Procurement of easements was included in the project budget and is eligible for reimbursement through the project funding. The City will be responsible for 10.27 percent of the bridge project final cost. The 10.27 percent is proposed to be paid through Surface Transportation Program (STP) Funds. The total cost for the easements and dedication deeds was estimated at up to \$90,000; however, the total cost came in at \$35,320.

It is recommended that City Council approve the three private easements and two dedication deeds at a total cost of \$11,100.00.

Councilor Brownson thanked Staff for working hard to get this done. He was impressed that Staff went to so much effort to make these agreements work out.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Brownson, to approve three private easements and two dedication deeds for the Waterfront Bridges Project at a total cost of \$11,100.00. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(j): Resolution in Support for the National Parks System**

Mayor LaMear has included the attached resolution for Council review and consideration.

Mayor LaMear read the resolution aloud.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Price, to approve the resolution in support for the National Parks System. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**

Judy thanked the Parks and Recreation Department and City Manager Estes for working with the Scandinavian Heritage Association. Citizens should be proud of Staff's professionalism. City Staff has the City and the citizens in mind. The association will make the City proud with a beautiful park.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:53 pm.

**ATTEST:**

**APPROVED:**

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Finance Director

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City Manager

## **Parks Advisory Board Meeting Minutes October 25, 2017**

Chairperson Norma Hernandez called meeting to Order at 6:47 am.

Present- Norma Hernandez, Jessica Schleif, Jim Holen, Aaron Crockett, Andrew Fick, Howard Rub, and Michele Tompkins.

Absent- Eric Halverson

Staff- Angela Cosby, Jonah Dart-McLean, Terra Patterson, Chelsea Haataia, Katie Madison, LeRoy Woodrich, Tyler Johnson, Jeff Hamilton, Gad Perez, and volunteer Dulcye Taylor.

### **Public comments**

1. George "Mick" Hague, 1 3<sup>rd</sup> Street, Astoria, stated on the city's website, it was difficult to find out where the Board meets. He suggested information about the Board meetings be added to the Parks Department's section of the website. He had been speaking with businesses around the transit center and attended a meeting about the 9<sup>th</sup> Street Park. One person wants to fence off the park to keep homeless people out, but others want the park improved. The Parks Master Plan listed the park as one that should be improved to include a restroom. He suggested Staff consider the Portland Loo, which has positive reviews and would cost what the Parks Department plans to spend in that area. The businesses would like tourists to have something other than a port-a-potty along the Riverwalk. He hoped the Board would seriously consider his suggestions since they are also included in the Master Plan. Business owners and others in the area would like something to attract tourists to the park, like kiosks. He talks to the tourists regularly as he walks the Riverwalk and they have no idea what the Column is or other amenities in the city. The 9<sup>th</sup> Street Park could be dedicated as something that can have several displays showing the public what is in the city. People are not even aware of the trolley. He understood the displays could cost as much as \$5,000 each, but there are things the City can do to make the park more attractive to the general public. The more general public that use the park, the less the homeless people will hang around. One of the main reasons the homeless stay in the area are because all of the benches were removed from the Riverwalk from 2<sup>nd</sup> Street all the way to 11<sup>th</sup> Street and the park offers a sitting platform along the wall.

### **Approval of Minutes**

- A. August minutes were unanimously approved.

### **President Hernandez**

- A. What do you hear- Jim Holen said he met the person conducting the tree inventory while he was at Shively Park. The ArborPro employee was impressed with Astoria and the parks. The Greensmith crew was very professional while working along the Riverwalk. They shut off weed eaters as people walk by so as not to throw rocks. On the bike trail in Mill Pond, where the trail crosses the trolley tracks, there is a rock face that drops about 15 feet and is difficult to see in the dark. He believed this could be a liability for the City, so he suggested a barrier be built to prevent a bike from going off the trail. Director Cosby confirmed she would have Staff take care of it.

Andrew Fick said he was happy to see that Parks and Recreation partnered with the County's domestic violence council again on the 5K. He attended the semi-annual historic preservation meeting and the high school activity fair. People at the activity fair had questions about

accessibility to the teen center and parents asked if the teen center could be relocated. He believed more teens would use the center if it were located in the middle school.

Michele Tompkins said a resident asked her if the City would be willing to sign a long-term memorandum of understanding for the maintenance of Post Office Park. Director Cosby asked for the resident's contact information.

Howard Rub said he heard from people who wanted to talk about the homeless situation. He was excited that Terra Patterson was at the Aquatic Center because she was doing good job dealing with school issues.

Jessica Schleif said the homeless situation was difficult to see along the Riverwalk as the temperatures drop. The situation definitely affects the parks and she believed people wanted to do something. Director Cosby explained that a few years ago, the Police Department had a homelessness task force that added the port-a-potties at People's Park and at 9<sup>th</sup> and Astor. The task force is being reinstated and the Parks Department has indicated a desire to participate.

Jim Holen stated Peoples Park is a venue for a charitable organization that serves soup from a pickup truck. The homeless can come to the park to use the restroom and get some food. Ms. Schleif believed the Community Action Team has started doing outreach at that park. President Hernandez asked if outreach was still being done at the Armory on Sundays.

### **Employee & Volunteer Recognition**

- A. Terra Patterson recognized Jonah Dart-McLean as the September employee of the month. President Hernandez noted she always hears positive feedback about Mr. Dart-McLean from members of the community and staff.
- B. Chelsea Haataia recognized Katie Madison as the October employee of the month.
- C. Director Cosby recognized Dulcye Taylor as the October volunteer of the month.

### **Old Business**

- A. Jim Holen gave an update on the Parks Foundation and their most recent fundraiser at Fort George Brewery.
- B. Director Cosby updated the Board on Staff's efforts to implement the Parks and Recreation Master Plan. Individual maintenance plans and the Capital Improvement Plan should be complete by late spring.

### **New Business**

- A. Introduction of Newest Staff Members – Staff reviewed staffing changes over the last few months. Five new staff members have been hired and one position still needs to be filled. The following employees introduced themselves to the Board, noting their career histories, volunteer service, current positions and goals with the Parks Department:
  - Jeff Hamilton – Aquatic Center Recreation Coordinator
  - Tyler Johnson – Grounds Coordinator
  - Chelsea Haataia – Pre-school Recreation Coordinator
  - LeRoy Woodrich – ARC Recreation Coordinator
  - Gad Perez – Administrative Assistant

President Hernandez welcomed the new employees and thanked them for their time and dedication to the Parks Department.

### **Staff Reports & Upcoming Events**

The following reports were presented to the Board as part of the agenda packet:

- A. Maintenance
- B. Recreation Center
- C. Aquatic Center
- D. Lil Sprouts
- E. Port of Play
- F. Communications

### **Future Meetings**

- December 6, 2017 at 6:45 am in City Hall, Council Chambers
- January 18, 2018 at 6:45 am in City Hall, Council Chambers

### **Non-Agenda/Miscellaneous Business**

1. Dulcye Taylor updated the Board and Staff on the OK fundraising event, which raised about \$6,000. She also shared plans to raise funds for the Monster Bash and Valentine's Dance.
2. President Hernandez reminded there was no Board meeting in November.
3. Director Cosby updated the Board on athletic programs and confirmed no cuts had been made.
4. Director Cosby reminded that free community events were cut from the Parks Department's programming. She updated the Board on fundraising efforts that would allow the City to host the Valentine's Dance and Monster Bash.
5. Director Cosby confirmed the City was unable to get officials for last winter's adult basketball, so the league was cancelled. She hoped enough officials could be hired for this season. Jim Holen noted that interest in open gym time had dropped, which might have affected the adult basketball program. Recreation Coordinator, LeRoy Woodrich, said his goal was to get the league going again next year.
6. Jim Holen asked about opportunities to donate to the Parks Department through the water/sewer bill. Director Cosby said the Finance Department had been working with their software vendor to implement donation opportunities. Donations can currently be made on the Parks Department website.

**Next meeting will be held Wednesday, December 6, 2017 at 6:45am at City Hall in City Council Chambers.**



January 3, 2018

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA FIRE DEPARTMENT 4<sup>TH</sup> QUARTER STATUS REPORT, 2017

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**2017 4<sup>th</sup> Quarter Emergency Response Summary –**

The Astoria Fire Department responded to 425 emergency requests for service during the months of October, November and December, 2018. The department responded to 211 EMS (emergency medical service) calls; 36 motor vehicle crashes, 2 of which required heavy extrication; 10 reportable fires; and 168 services calls. Service calls include alarm activations with no fire, false alarms, hazardous conditions, good intent calls, public assists, etc.

Of the 425 total calls for service during the 4<sup>th</sup> quarter of the year, 110 involved response by our volunteer firefighters. Our volunteers respond to all fire related calls, alarm activations, motor vehicle crashes occurring on the Megler and New Young's Bay bridges and any other call for service requiring extra assistance. The availability of our volunteer firefighters for response is largely dependent on the time of day, primarily due to job responsibilities. For that reason, we track when calls for volunteer response occur each month. During the 4<sup>th</sup> quarter of 2018, 65% or 72 of the volunteer calls were during daytime hours between 6:00 a.m. and 6:00 p.m. The other 38 calls or 35% were during the night between 6:00 p.m. and 6:00 a.m. An average of three (3) volunteer firefighters responded per call throughout the 4<sup>th</sup> quarter.

**2017 4<sup>th</sup> Quarter Training –**

The department holds regularly scheduled weekly Wednesday evening training sessions throughout the each year. Wednesday evening drills start at 7:00 p.m. and run until 10:00 p.m. and are attended by the volunteers, interns, on shift career personnel, the Deputy Chief and Fire Chief. Career staff also attends training during each duty shift as outlined by the Deputy Chief. A breakdown of Wednesday evening training session topics follows below.

Oct. 4, 2017 Basic Hoseline Deployments	Oct. 11, 2017 Salvage & Overhaul procedures
Oct. 18, 2017 Fireground Operations	Oct. 25, 2017 EMS-High Performance CPR
Nov. 1, 2017 EMS-Basic Trauma Scenarios	Nov. 8, 2017 Firefighter I & II Skills Practice
Nov. 15, 2017 Address/Route Selection	Nov. 20, 2017 EMS Case Reviews-Dr. Voeller
Nov. 22, 2017 No Drill <i>Happy Thanksgiving</i>	Nov. 29, 2017 Firefighter I & II Skills Practice



Dec. 6, 2017 *Christmas Food Parade*

Dec. 7, 2017 *Christmas Food Parade*

Dec. 8, 2017 *Christmas Food Parade*

Dec. 13, 2017 EMS-Vital Signs & Packaging

Dec. 20, 2017 Firefighter I & II Skills Practice

Dec. 27, 2017 *Annual End of the Year Dinner & Movie Night*

### **General Information –**

October, November and December are usually pretty busy months for the fire department with a number of special events and programs in addition to regular training and emergency response. A breakdown of special events and programs for the 4<sup>th</sup> quarter of 2017 follows below.

Oct. 6	Provided EMS Standby Service for Astoria High School home Football Game.
Oct. 9 <sup>th</sup> – 12 <sup>th</sup>	***National Fire Prevention Week. Department personnel visited each classroom at Astor Elementary School and delivered age and grade appropriate fire safety presentations to students and staff.
Oct. 13	Department personnel visited students and staff at Lil' Sprouts to provide fire safety presentations.
Oct. 15	Department personnel provided EMS standby services for the Great Columbia Crossing event.
Oct. 20	Provided EMS Standby Service for Astoria High school home Football Game.
Oct. 28	Chief Ames gave an hour presentation on Emergency Preparation to residents at the Yacht Club I and II Apartments.
Nov. 15	Assisted the Astoria Warming Center with a pre-opening fire and life safety inspection and smoke alarm testing and replacement.
Nov. 18	Department personnel assisted with putting the Downtown Christmas Decorations up for the Holiday Season.
Nov. 27	Department personnel attended the bi-monthly Clatsop County Firefighters Association meeting at the Olney-Walluski Fire Station.
Nov. 13 – Dec. 12	***For the fourth year in a row, the Astoria Fire Department has sponsored a Fire Safety Coloring Contest at Astor Elementary School in conjunction with National Fire Prevention Week. Students from each kindergarten, 1 <sup>st</sup> and 2 <sup>nd</sup> grade class at Astor competed in the contest. As in past years, contest winners receive a fire truck ride to school from home. This year, department staff gave rides to school for 15 kindergarten, 1 <sup>st</sup> and 2 <sup>nd</sup> grade students. Students and parents as well as Astor School staff thoroughly enjoyed the contest again this year. To be honest, I'm not sure who enjoys this more, the students or the firefighters!
Dec. 6	First night of the 29 <sup>th</sup> Annual Astoria Fire Department Christmas Food Parade.
Dec. 7	Second night of the 29 <sup>th</sup> Annual Astoria Fire Department Christmas Food Parade.

2017 saw the departure of two career staff members and our three student intern firefighters. Driver/Engineer Rob Weidman and his family moved to Minnesota. The move allowed closer proximity to family along with Rob's desire to pursue certification as a Paramedic. We were sorry to Rob and family leave, but wish them the very best.

Firefighter Brandon Knight was offered a job with Clackamas County Fire District 1 in the Portland metro area. Clackamas Fire District is the second largest fire district in the state of Oregon which will allow Brandon many opportunities as he continues in his career in the fire service. Again, we were sorry to lose Brandon, but wish him nothing but the very best in his new position.

After two years with the Astoria Fire Department, it was time to say good bye to our three student intern firefighters; Spencer Johnston, William Newton and Josh Raichl. All three graduated with honors from Clatsop Community College with Associate Degrees in Fire Science. William is now working full time for Medix Ambulance Company and is still volunteering with the department; Spencer will soon be starting a Paramedic degree program at Chemeketa Community College; and Josh Raichl is close to finishing a Paramedic degree in Nebraska. We all become very attached to our student interns. These three young men were no different. It was hard to say goodbye. We wish them all nothing but the best in their futures.

Along with the departures mentioned above come new faces and new names. The department did an exhaustive hiring process for the two career vacancies in June and July. We are happy to have two new career firefighters now on board. Firefighter Carlos Gomez started with the department in early August, and Firefighter Michael Groat started in early September. Carlos started with the Astoria Fire Department as a volunteer firefighter and then applied and earned an internship with the department. Carlos was working for Medix Ambulance Company at the time the open positions were being advertised. Carlos applied and did an outstanding job with the extensive testing process and was offered the first position. Michael was working as a part-time firefighter at Black Butte Ranch in Central Oregon when he applied. Michael did a tremendous job throughout the testing process and was offered the second open position. We are very fortunate to have both Carlos and Michael here with us at the City of Astoria. Both are very hard working and motivated young men who are a pleasure to have on board.

In June and early July, we advertised for three new student intern firefighter positions. We are very happy to say that again, we've been blessed with being able to offer internships to three very motivated and responsible young men. Royce Cone, Gage Piguert and Nathan Holmgren started their internships with the department in mid-July. All three are currently working on shift with career staff while attending Clatsop Community College as full time students. Royce, Gage and Nathan are all three a pleasure to have on board and are hardworking young men.

Early 2017 saw the delivery of the City's new ladder truck, 2545. Training on the new truck has been continuous since the truck went in full service in April of 2017. We are sure this new ladder truck will service the City of Astoria very well for many years to come. We want to offer our most sincere thanks and gratitude to Mayor LaMear, Councilor Nemlowill, Councilor Price, Councilor Jones and Councilor Brownson for their unwavering support and faith in all of us at the Astoria Fire Department. Thank you and we wish you all a very Happy New Year!

By:   
Ted Ames, Fire Chief



CITY OF ASTORIA  
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## COMMUNITY DEVELOPMENT

### MEMORANDUM

TO: ASTORIA CITY COUNCIL

FROM: BRETT ESTES, CITY MANAGER

SUBJECT: COMMUNITY DEVELOPMENT DEPARTMENT STATUS REPORT

Attached is a document which includes current planning permit activity. During the transition while the Community Development Director hiring process is proceeding there has been progress on the following long range projects:

**Homestay Lodging:** Over the past year, City Council held work sessions regarding this topic. Staff has since researched other jurisdictions policies, met with the County to review enforcement processes, and suggested a requirements for a new permitting process to better enforce and regulate home stay lodgings. Staff is currently working on a proposal for City Code language to update the regulations and permitting process.

**Uniontown Reborn:** Following Council adoption of a goal to address visual impacts on the western gateway to the City (round-a-bout to the Doughboy monument), the City pursued grant funding to develop possible streetscape improvement designs and needed zoning changes. The City was tentatively awarded a State of Oregon Transportation Growth Management funds to hire a consultant team. The State (with input from the City) determined a consultant team (lead by CH2M) and developed a scope of work. The scope of work is currently under review by the Oregon Department of Justice (DOJ). State staff has been reviewing DOJ's issues and are awaiting final approval, anticipated in the next few days. An IGA for the City and a Work Order Contract for the Consultant will follow. It is hoped this IGA will be considered by Council in February.

**CDBG Housing Rehab Grant application:** City staff have worked diligently with Community Action Team to complete the paperwork needed to file the grant application approved by City Council at the end of 2017. Once word has been received whether the application was funded, staff will convey the information to Council.

**Planning Commission Initiation of Development Code Amendments to Address Emergency Warming Centers:** Community Development staff have begun to review the draft code language prepared by a Planning Commissioner and formally initiated by the Commission for review. Once the review is complete, a Planning Commission work session will be held on the matter.

**Historic Pass Through Grants:** The City had received a Certified Local Government grant to create a local grant program for façade improvements on historic properties. That grant

program has been completed with all funds allocated and was closed out with the State Historic Preservation Office. Staff are asking for Council approval to submit a similar application this year for a future grant program.

Astor West Façade Improvement Grants: The Astoria Development Commission created a façade improvement program to incentivize rehabilitation of facades along the Highway 30 corridor in and around the Megler Bridge. Staff are currently working with the owner of the Workers Tavern on the first grant request received under this program.

Community Development Department  
Quarterly Report FY 16-17 Q4 12/26/17

The following is a sampling of land use applications CDD has processed since January 2017.

**Accessory Dwelling Units (ADUs)**

Permit	Applicant	Address	Proposal	Review	Notes
ADU17-01	Clyde Manchester	1134 Irving	SFD in R-3 w/owner occupied ADU in basement	admin	pending parking verification, applicant is putting in a driveway, Dean initially approved proposed driveway applicant is submitting a ROW permit for pouring concrete
ADU17-02	John and Janet Nieme	266 W Irving	see CU 17-08, ADU in existing basement in R-1	APC	
ADU17-03	Zack Maley	1785 5th	adding sleeping loft to existing shed and adding bathroom	admin	payment received, pending recorded deed language and building plans for review for building permit
ADU17-04	Michael Angiletta	1320 Madison	see CU 17-12 in existing basement in R-1	APC	paid 9/6 pending deed language
ADU17-05	Cathy Frizzele	1597 Irving	ADU in basement of existing SFD	admin	requires parking variance-pending var submission

**Amendments**

A17-01	Amanda Chaloux	82 W Bond St	Request to re-zone property C-3 to R-3	APC and CC	
A17-02	Jennifer Bunch for Astoria Co-op	2350 Marine Dr	Amend LS Zone adding limitations on certain allowable uses; amend zoning map at 2350 Marine from AH-MP to LS	APC and CC	
A17-03	Kevin Cronin	3738 Leif Erikson Drive	speculative zoning-pending additional info	APC and CC	

**Amendment to Existing Permit**

AEP17-02	Emily Brizendine	435 Exchange Street	sunburst under gable trim on new dormers removed from proposal-too expensive	admin	
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**Appeals**

AP17-01	Christopher Connaway	413 Gateway	Appeal of Approval of CU 17-07, to use existing space as a Child Development Center	CC
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**Conditional Use Permits**

CU17-01	Shawn Catlin & Tamara Altman Steel and Timber Construction	1820 SE Front	To locate light manufacturing (with shop space and storage) in appx 1,000sqft in S-2 Zone	APC 2/28 6:30pm
CU17-02	Lacy Brown	409 2nd street	To use 2 bedrooms in SFD for homestay lodging in R-1 zone	APC 2/28 6:30pm
CU17-03	David Sundquist	66 W Grand	To use 2 bedrooms in SFD for homestay lodging in R-1 zone	APC
CU17-04	Nancy Schoeenwald	143 9th street	To use 300 sq feet vacant retail space as professional offices in S-2A zone	APC
CU17-05	Julie House	80 11th St	To locate tourist oriented retail business in A-2 zone	APC
CU17-06	Annie Dolber on behalf of warming center	1076 Franklin/155 11th	temporary permit to locate a warming center at	APC
CU17-07	Shooting Stars Child Development Center	413 Gateway	to use existing space as a Child Development Center	APC
CU17-08	John and Janet Niemi	266 W Irving	to locate an Accessory Dwelling Unit in an existing basement in R-1	APC 8/22
CU17-09/ PE 17-01	Elizabeth Nelson for Astoria Conservatory of Music (CU-0304)	1103 Grand	to operate a school of music in existing commercial building in R-3 (church) extend to 8-23-18	APC 8/22
CU17-10	City of Astoria	3850 Reservoir Road	To install conduits for public/private use in R-2 zone	APC 8/22
CU17-11	Camille Holland	1044 Marine	To locate a psychotherapy office (professional services) in the s-2a zone	APC 9/26
CU17-12	Michael Angiletta	1320 Madison	to locate an Accessory Dwelling Unit in an existing	APC 10-24-17

			basement in R-1		
CU17-13	Chester Trabucco	632 Marine Drive	To construct a 7,164.5 sqft Professional Office/Service Establishment in an S-2A zone	APC	
CU17-14	Astoria Makers	1010 Duane St	To locate Light Manufacturing in appx 1,000sqft of a vacant building in a C-4 zone	APC	
CU17-15	Sue Farmer	2923 Grand	To locate Group Housing in existing duplex	APC	
CU17-16	Julie Garver on behalf of Innovative Housing	1067 Duane	To locate a Multi-family dwelling (40 units), located above the first floor, with commercial facilities on the first floor in C-4	APC	
<b>Permit Extensions</b>					
V14-17	Jeff/Cindy Miller	540 Grand	one year extension of variance from setbacks and lot coverage	Admin	V14-17
CU03-04	Elisabeth Nelson for Astoria Conservatory of Music	1103 Grand	to operate a school of music in existing commercial building (church) extend to 8-23-18	APC	CU03-04
<b>Lot Line Adjustments</b>					
LLA17-01	Jimmy Pearson	155 Lexington Place	Combining Lots		
LLA17-02	Dan Nelson	356 Floral	Combining Lots		
LLA17-03	Mike Magyar	Old Astoria Ford	Adjustment		
<b>Miscellaneous Reviews</b>					
MR17-01	Nancy Karacand	1293 15th Street	Class B Home Occupation to use garage for seeing counseling clients. Applicant will cease use of homestay lodging at the house and will use that parking for clients	Admin type II	

MR17-02	Kristine Anselmo	447 Klaskanine	Class B Home Occupation for astrology and hypnosis consulting "Soulsearch LLC" and home-stay lodging	Admin type II	
MR17-03	Georgina Jones	1419 9th	Class B Home Occupation to offer Reiki sessions and essential oil education to clients at 1419 9th St	Admin type II	
MR17-04	Joanne L. Brown	589 Harrison	Class B Home Occupation to use an existing garage part time for an art studio for personal use (ready for PN)	Admin type II	
<b>Subdivision/Partitions</b>					
SP17-01	John Swanson	South Tongue Point Address TBD	map 12, tax Lots 102 & 104; approx 98 acres into 3 parcels	Admin	
SP17-02	Li Allgood	Best Western/ODOT site	dividing 2 lots, combining to add parking area near for hotel-pending additional info	Admin	
<b>Variances</b>					
V17-01	Tiffany Booth	2609 Irving	pending wording-sent to Hannah from 19.25' front yard setback to construct a new single family dwelling at 16' setback	admin	Withdrawn
V17-02	Steff Eiter	1010 Duane	from a maximum of 15 square foot projecting sign to install a 36 square foot sign on the sw corner of the building, and from the maximum of 64' allowed at the site to 74.5' for wall signage.	ACP tentative 11/28	
V17-03	Michelle Dieffenbach	1 8th street	from maximum 10% parcel size for an accessory use structure to 15% Parking Variance	APC	
V17-04	Ted Forcum	3930&3990 Abbey Lane		APC	



## Exterior Alterations

EX17-01	Jack Harris-Fort George Brewery	1483 Duane	enclosing patio and constructing attached skybridge to the south	HLC
EX17-03	Rebecca Greenway	1140 Franklin Ave	adding side enclosure to existing awning on historic structure	Admin
EX17-04	Noel Weber	514 12th St	Exterior Stairs	HLC
EX17-06	Michelle Dieffenbach	1089 Marine Drive (Bikes and Beyond)	restoring wood transoms and replacing window system	Admin
EX17-05	Michelle Dieffenbach	904 Commercial	refurbishing and replacing windows and brick work	Admin
EX17-07	Michelle Dieffenbach on behalf of Buoy Beer	#1 8th Street	to add 392 square foot addition for cooler storage on the south façade and awning over existing seating area on the south façade	HLC
EX17-08	Jim Forrester on behalf of JP plumbing	155 11th Street	replacing wood around storefront windows, adding ricker rock to kick plate, rebuilding transom windows	HLC
EX17-09	Muriel Jensen	659 15th	to add vertical lift to the side of front porch on the front façade of existing single family dwelling	HLC
EX17-10	Larry Bensel	3680 Grand	Altering window openings and changing out windows at basement level	Admin
EX17-11	Bonnie Harold	3499 Grand Avenue	for new kitchen sink window in same location with raised leader height	Admin
EX17-12	Astoria Makers	1010 Duane St	to alter windows, and replace a bay window with a roll-up garage door on existing historic building	HLC
EX17-13	Michelle Dieffenbach	1 8th Street	to add an additional grain silo on the south side of the	HLC

building and add wind  
breaks at main  
entrance door

### New Construction

NC17-01	David Vonada on behalf of Jeff Schwietert	1210 Marine Drive	To construct a 16' x 5.6' garbage enclosure adjacent to a historic building	HLC	
NC17-02	Kathy Karan	1121 11th	To construct a 12' x 16' garage and 6'x8' greenhouse adjacent to a historic structure.	HLC	
NC17-03	Ryan Helligso	1313 Franklin	To construct a new single family dwelling adjacent to historic structures.	HLC	
NC17-04	Zoe Fenton	2609 Irving Ave	to construct a new single family dwelling	HLC?	
NC17-05	Brian and Terri Oksen	910 Grand Avenue	New Construction of a 2079 single family dwelling and 338 sq foot garage adjacent to historic structures	HLC	
NC17-06	Chester Trabucco	632 Marine Ave	New Construction TBD	HLC	
NC17-07	Michelle Dieffenbach on behalf of Buoy Beer	#1 8ths (#2-7th)	To construct a 1,760 sq ft enclosure for a cooler in the sw corner of the parking lot.	HLC	
NC17-08	Jason Palmberg	1150 Kensington	To construct an appx 2,300 sq foot two story single family dwelling	HLC-Feb 2018	

### Historic Designation

HD17-01	Noel Weber	514 12th St	To designate the existing YMCA building as historic in the Downtown Historic District	HLC	
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### Demolition

1/6/2017	DM17-01	James Neikes	2611 Marine Drive	demo historic building as immediate threat to public by building inspector	Admin
12/4/2017	DM17-02	Ted and Wendy Osborn	347 Alameda	Demolition of a historic building	HLC
HG17-01	Withdrawn	Alexander Papas	103 Washington	New roofing, rebuilding windows, staining shingles, painting trim and doors,	

				painting skirting, repairing siding	
HG17-02	Funded	Steff Eiter	172 Lincoln	repairing stairs, window restoration, adding storm windows, restoring 5 doors, roof replacement and weatherguarding	
HG 17-03	Funded	Dean Zeisbrich & Teresa Estrada	147 Washington	Roof repair and painting	
HG 17-04	Funded	Bereniece Lopez-Dorsey & Clyde Manchester	328 Alameda	replace existing vinyl windows with wood clad, restore trim work	
HG 17-05	Funded	Sigrid Wood	139 Washington	replacing front door and retaining existing glass	
HG 17-06	Waitlist	Don Duncan	143 Washington	Cresting on roof	
HG 17-07	Waitlist	Mike Brusius	682 34th Street	Rebuilding chimney	
HG17-08	Waitlist	Jackson Ross	690 17th	Rebuild staircase?	

#### Design Review Committee

DR17-01	Mike Stults for Dollar General	2275 Commercial	to construct a new 9,100 commercial building	DRC	
DR17-02	Tom Yaeger	245 23rd St	to construct a new 3049 sq foot single family dwelling	DRC	
DR17-03	Garry Vallaster-Astor Venture LLC	2350 Marine Dr	to construct a 11,580 square foot commercial building	DRC	

#### Additional permits:

Sign permits: 36

Certificates of Appropriateness 34



**CITY OF ASTORIA**  
Founded 1811 • Incorporated 1856

January 4, 2018

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **DEPARTMENT OF STATE LANDS – EASEMENT FOR TRESTLES AND BRIDGES**

**DISCUSSION/ANALYSIS**

The Oregon Department of State Lands (DSL) and City staff have been working together for a number of years to develop an easement document for the existing trestles and bridges that extend into the waters of the State within the Astoria City limits. "Waters of the State" includes surface water such as the Columbia River within the territorial limits of the State of Oregon and within its jurisdiction. This easement is similar in nature to the easement that was executed in 2012 for the City's existing sewer outfalls.

The typical procedure for obtaining a DSL easement consists of applying for individual easements for each structure. In order to avoid multiple application fees, DSL agreed to allow the City to apply for one overall application which would include all of the subject structures. This resulted in only one application fee of \$750. An additional \$100 fee is required for the entire 30 year duration of the easement.

The proposed easement combines all individual trestles and bridges into one document. The easement document will formalize the City's right to construct, maintain, operate and replace existing trestles and bridges located within the waters of the State (owned and managed by DSL). The City attorney has reviewed and approved the easement document as to form.

**RECOMMENDATION**

It is recommended that City Council authorize the Department of State Lands easement for the existing City of Astoria trestles and bridges.

Submitted By   
Jeff Harrington, Public Works Director

Prepared By  JAH  
Cindy D. Moore, City Support Engineer

**STATE OF OREGON**  
**Department of State Lands**

**EASEMENT NO. 60274-EA**  
**S&S Bridge**

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, for and in consideration of \$100.00, hereby grants to GRANTEE,

NAME of GRANTEE:  
City of Astoria

ADDRESS:  
1095 Duane St.  
Astoria, OR 97103

an easement and right to construct, maintain, operate and replace existing trestle and bridge structures over, upon, and across the following particularly described property situated in Clatsop County, Oregon, more particularly described as follows:

<b>Description</b>	<b>Mile Post</b>	<b>Tax ID</b>	<b>Tax Map Key</b>	<b>Acct. ID</b>	<b>Situs</b>
Int. Columbia	101.1	2221	80907CA05400	50664	10 Bay St
Int. Columbia	101.1	2147	80907DB16000	50680	70 W Marine Dr
Int. 2nd	100.9	2180	80907DA 11700	50679	1 3rd St
Int. 2nd	100.9	2174	80907DA14300	59092	1 2nd St
Int. 6th	100.4	2226	80908CB10300	50705	#10 6th St
Int. 7th	100.4	2232	80908CB10200	50704	#18th St
Int. 8th	100.4	2256	80908CB10100	50703	#1 9th St
Int. 9th	100.4	2314	80908CB10000	50702	990 Astor St
Int. 10th	100.4	2405	80908CB09900	50701	80 10th St
Int. 11th	100.4	2529	80908CA07200	50683	144 11th St
Mill Pond	99.5	2197	80909BC00300	52390	433 30th St.
Int. 42 <sup>nd</sup>	98.4	1386	80909AA01100	50710	4050 Abbey Lane
Int. 42nd	98.4	1354	80910BB02900	50735	522 44th St
Int. 46th	98.1	1206	80910BA02400	50767	4603 Ash St
Int. 46th	98.1	1251	80910BA02500	50768	4603 Ash St
Int. 49th	97.8	1129	80903D001900	50776	4880 Ash St
Int. 49th	97.8	1005	80903D001800	50775	4900 Ash St
Sewer Lagoon	97.3	583	809020000500	50772	555 Lagoon Rd

		Trestle Easement	Right-of-way	Over Water
	Mile	Area	Easement	Trolley Shelter
DESCRIPTION	Post	(sq. ft.)	Area (sq. ft.)	Easement Area (sq. ft.)
Columbia Ave.	101.1	3,515	675	
2nd St.	100.9	10,928	879	
6th St.	100.4	4,600	1,834	
7th St.	100.4	3,274	1,976	
8th St.	100.4	2,815	1,534	
9th St.	100.4	3,221	1,855	132
10th St.	100.4	3,289	1,636	
11th St.	100.4		2,219	140
Mill Pond	99.5	28,180		
42nd St.	98.4	1,939	183	
46th St.	98.1	5,684	1,018	
49th St.	98.1	6,781	1,063	
Sewer Lagoon	97.3	4,700		
<b>TOTAL</b>		<b>78,926</b>	<b>14,872</b>	<b>272</b>

Containing 2.15 acres or 93,798 square feet, more or less, and as shown on the attached Exhibit "A".

*This description is used to establish the approximate location and extent of the area subject to this Department of State Lands authorized use and was not prepared by a licensed surveyor. All locations, bearings, and distances were developed in the Oregon Coordinate Reference System Standard; Oregon Statewide Lambert Conformal Conic, NAD 1983, International Feet, GRS 1980 Spheroid.*

TO HAVE AND TO HOLD the same unto GRANTEE for 30 years, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements. GRANTOR shall notify GRANTEE prior to granting additional easements within and adjacent to these areas.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
  - a) Changing the type of use authorized by this easement;
  - b) Expanding the number of authorized developments or uses;
  - c) Changing the authorized area; and/or
  - d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.

3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR, except during construction of new facilities or for maintenance activities.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.
5. Except as expressly authorized in writing by the Department, GRANTEE shall not:
  - a) Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or
  - b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.

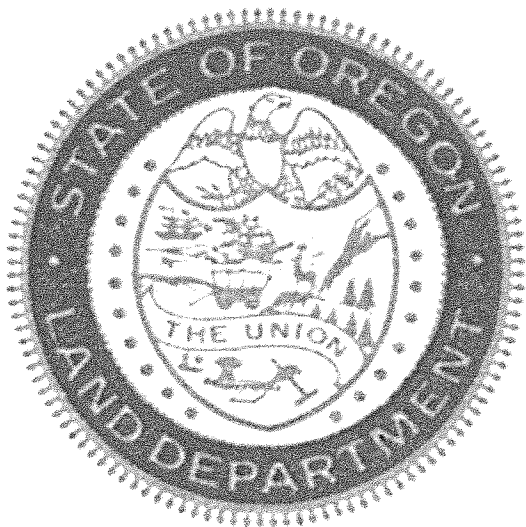
Routine right-of-way maintenance including vegetation trimming shall be allowed.

6. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.
7. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.
8. GRANTEE shall obtain a surety bond in the amount of \$N/A to ensure compliance with the terms and conditions of this easement.
9. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.
10. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.
11. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of: N/A.

12. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.
13. If this easement authorizes the use of state-owned submerged and/or submersible land:
  - a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.
  - b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.
14. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.
15. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.
16. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.
17. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.





STATE OF OREGON, acting by and through its Department of State Lands

\_\_\_\_\_  
DSL Authorized Signature/Printed Name

STATE OF OREGON                                 )  
  )ss  
County of Marion                                 )

This foregoing instrument was acknowledged before me this \_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_, the \_\_\_\_\_ of the Department  
of State Lands.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My commission Expires: \_\_\_\_\_

CERTIFICATE OF APPROVAL OF CONVEYANCE  
(ORS 93.808)

The City of Astoria, by and through its Mayor and City Manager, Grantee, hereby approves and accepts, pursuant to ORS 93.808, the grant of an interest in real property from the State of Oregon, by and through its Department of State Lands, Grantor, as described in the instrument to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the instrument described above.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

GRANTEE:

THE CITY OF ASTORIA, a Municipal  
Corporation of the State of Oregon

By: \_\_\_\_\_  
Arline LaMear, Mayor

By: \_\_\_\_\_  
Brett Estes, City Manager

STATE OF OREGON            )  
  ) ss.  
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me  
personally appeared \_\_\_\_\_, who being duly sworn stated that he/she is  
the \_\_\_\_\_ of \_\_\_\_\_, Grantee, and acknowledged the  
foregoing instrument to be the voluntary act of said Grantee and that he/she executed the  
foregoing instrument under authority granted by said Grantee.

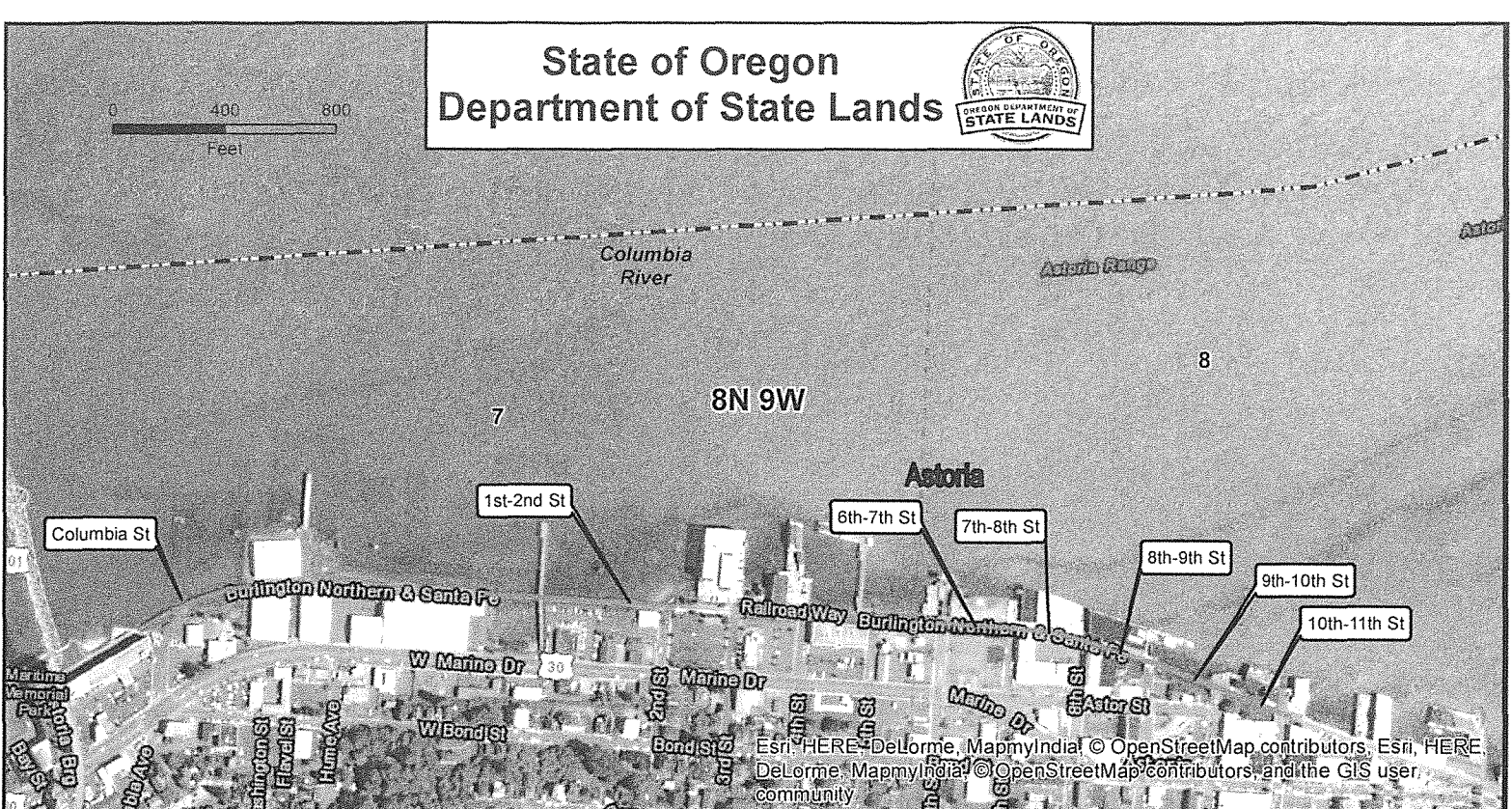
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON

My commission Expires: \_\_\_\_\_

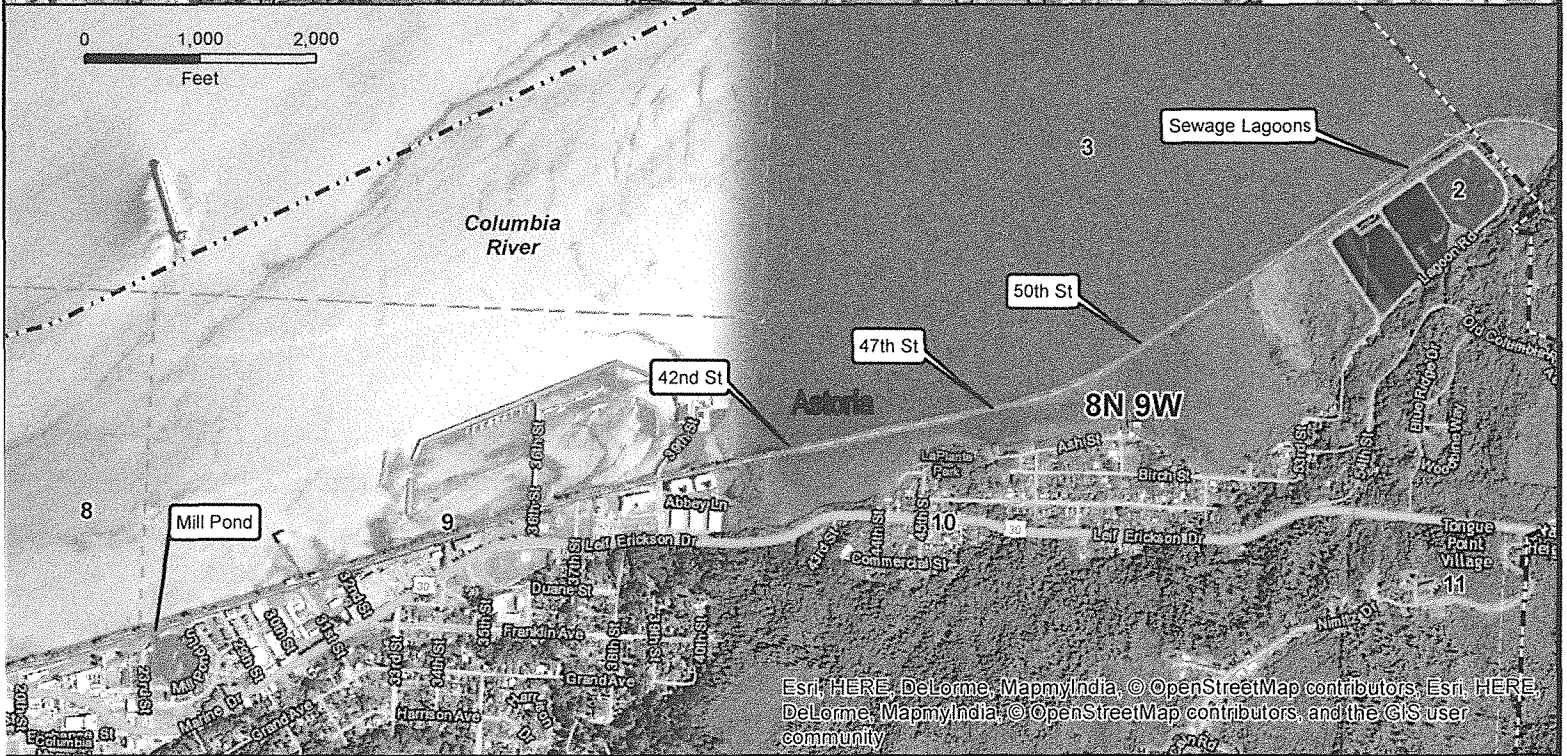
# State of Oregon Department of State Lands



0 400 800  
Feet



0 1,000 2,000  
Feet



## EXHIBIT A

60274-EA

T08N, R09W

Sections 2, 3, 7, 8, 9, 10

Clatsop County

— Description lines

□ Use Area

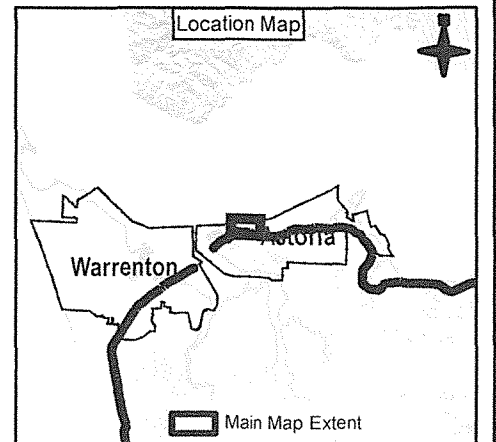
## 2016 Aerial Photo

This map depicts the approximate location and extent of a Department of State Lands. Proprietary authorization for use. This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



Map Projection:  
Oregon Statewide Lambert  
Datum NAD83  
International Feet

State of Oregon  
Department of State Lands  
775 Summer St NE, Suite 100  
Salem, OR 97301  
503-986-5200  
www.oregon.gov/DSL  
Date: 9/19/2017



Map Producer: dantonson



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

COMMUNITY DEVELOPMENT

January 5, 2018

MEMORANDUM

TO: ASTORIA CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: CERTIFIED LOCAL GOVERNMENT GRANT REQUEST

**BACKGROUND**

In past years, the City of Astoria has submitted grant applications to the Certified Local Government (CLG) program of the State Historic Preservation Office (SHPO). Earlier funded projects include Geographic Information System downtown building inventory, historic property inventories, facade improvement grant programs, and architectural assistance for building and home owners. This year, the City is eligible to submit another CLG grant application. The deadline for submission of the grant request is February 23, 2018.

For the 2018 grant cycle, staff proposes using the CLG funds to provide grants to residential and commercial property owners who would to restore their historic properties. Emphasis would be placed on restoration work on the primary facade of a building, particularly on windows, storefronts, and entryways. These are the architectural elements that have typically been modified the most. Individual grants would be processed by staff and reviewed by the Historic Landmarks Commission, if necessary.

This follows process utilized by the City in earlier approved facade improvement grant programs. It is suggested that grants be limited to a maximum of \$4,000 and the grant would be matched by the property owner. The grant would be a reimbursement only, and work done before the grant application would not be eligible. A total of \$11,000 is proposed to be used for the facade grant program.

In addition, staff proposes that the CLG grant application include a request for \$1,000 in architectural design assistance funds for historic buildings. The architectural assistance funds would be used to hire an architect or historic building designer to assist property owners in rehabilitating the exteriors of their buildings. Over the years, the City has contracted with John Goodenberger to serve in this capacity. The City has provided this service each year under the CLG Grant program. A grant request of \$1,000 would provide approximately 20 hours of design time.

The total requested CLG grant is \$12,000; a 1:1 match is required from the City. The match would be met by current staffing and existing budget items on the above-mentioned projects, Historic Landmarks Commission staff reports, and other general planning activities which are preservation related. Volunteer hours associated with the CLG funded project as well as Historic Landmarks Commissioner time can also be applied to meet the match as in-kind support. The grant and matching amounts would be included in the 2018-2019 Community Development Department budget.

### **RECOMMENDATION**

Staff recommends that the Council authorize submittal of the grant request to the Certified Local Government program of the State Historic Preservation Office in the amount of \$12,000.

By:

  
\_\_\_\_\_  
Nancy Ferber, Planner



CITY OF ASTORIA  
Founded 1811 • Incorporated 1856

January 8, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ORDINANCE READOPTING CERTAIN STATE STATUTES TO REFLECT  
CHANGES MADE BY THE 2017 LEGISLATURE

**DISCUSSION/ANALYSIS**

The first reading of this ordinance was held at the January 2, 2018 City Council meeting. The 2017 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2018. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption", which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, i.e., we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney.

**RECOMMENDATION**

It is recommended that Council conduct the second reading and adopt the proposed ordinance.



ORDINANCE NO. 18\_\_\_\_\_

AN ORDINANCE READOPTING CERTAIN STATE STATUTES

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. Code Section 1.047 is amended to read as follows:

"Readoption of Oregon Revised Statutes. Oregon Revised Statutes adopted either referentially or directly in the Astoria Code, including but not limited to Astoria Code Sections 1.010, 1.015, 1.085, 1.211, 1.230, 1.345, 1.365, 1.555, 1.602, 1.608, 1.620, 1.632, 1.638, 1.640, 1.705, 1.900, 1.960, 1.961, 1.962, 1.963, 1.964; 1.965, 1.967, 1.970, 1.971, 2.220, 2.360, 2.700, 2.705; 2.710, 3.010, 3.015, 3.118, 5.000, 5.010, 5.100, 5.110, 5.255, 5.260, 5.300, 5.335, 5.385, 5.425, 5.726, 5.740, 5.925, 5.931, 5.933, 6.005, 6.010, 6.025, 6.030, 6.060, 6.135, 6.220, 6.250, 6.255, 6.305, 6.400, 6.500, 6.510, 6.520, 6.530, 6.550, 7.000, 7.005, 8.045.15, 8.045.17, 8.045.18, 8.104, 8.138, 9.005, 9.025, 9.030, 9.090, and 9.160, are hereby readopted to include all amendments, repeals, and additions made by legislative action of the State of Oregon, up to and including those of the 2017 legislative session."

Section 2. Repeal. Ordinance No. 17-01 adopted January 17, 2017 is repealed.

Section 3. This ordinance will be effective thirty (30) days after its passage.

ADOPTED BY THE COMMON COUNCIL THIS \_\_\_\_\_ DAY OF JANUARY, 2018.

APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF JANUARY, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
Councilor Nemlowill			
Brownson			
Price			
Jones			
Mayor LaMear			